

REMARKS

Applicant thanks the Examiner for the very thorough consideration of the present application. Claims 38-68, 80-83 and 90-100 remain in the application and claims 38-42, 50, 80, 90, 91 and 99 are independent. The Office Action dated May 27, 2010 has been received and carefully reviewed. Each issue raised in the Office Action is addressed herein. Reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

Allowable Subject Matter

Claims 80-83, 99 and 100 are allowed. Applicant again appreciates this continued indication of allowability.

Claim Rejections – 35 U.S.C. § 112, Second Paragraph

Claims 38, 43-45, 47 and 48 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, because of a lack of proper antecedent basis for the phrase “the angle of elevation” in claim 38. Responsive thereto, Applicant has amended claim 38 to change “the” to “an”, and thereby believes there is no longer insufficient antecedent basis. Claim 38 particularly points out and distinctly claims the subject matter that Applicant regards as his invention, along with the claims dependent thereon. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 38, 43, 45, 47, 91-95 and 97 stand rejected under 35 U.S.C. § 102(b) as unpatentable over Jeong. Applicant submits that the Examiner has failed to establish a *prima facie* case of anticipation and respectfully traverses the rejection. A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In order to establish a *prima facie* case of anticipation under 35 U.S.C. § 102, the cited reference must teach or inherently include each and every element of the claims. See MPEP § 2131 and MPEP § 706.02.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicant respectfully submits that independent

claims 38 and 91 have been amended to recite a combination of elements in a thin design display apparatus including a stand base portion formed so as to be placed in contact with a flat plane, a thin type display unit including a battery; and wherein the thin type display unit is supported by the stand/pillar structure in a first usage mode, by inserting a fitting part into the insert space, and is removable to separate the display unit from the stand/pillar structure for support of the thin type display unit on a bottom surface of the thin type display unit and a distal end of the fitting part on the flat plane in a second usage mode. Applicant respectfully submits that this combination of elements as set forth in independent claims 38 and 91 is not disclosed or made obvious by the prior art of record, including Jeong.

The Examiner alleges on page 4 that Jeong has a second usage mode wherein the display “could be placed on the edge of a table/desk or the stand portion could be supported in a slot portion in a desk.”

Two features of an embodiment of the invention include 1) the existence of a battery in the thin type display unit, and 2) the setting condition of the thin type display unit and the fitting part in a second usage mode. Applicant respectfully submits that one feature of the mobility of the display is the provision of a battery disposed in the display unit, as described for example in the specification, on page 33, lines 8-9 and 14-16. The battery is located behind a door at the lower portion of the display unit, as can be seen in many of the various figures. This provides the advantage that the thin type display can be moved between a first usage mode in which the display is supported by the stand/pillar structure and a second usage mode in which the display is supported by the fitting part while displaying the image on the display, possible in part because of the presence of the battery along with several other attributes including, for example, the removability and the two usage modes.

To the contrary, Jeong fails to show or suggest a battery disposed in the display unit, and because of this, a power cable is connected to the LCD monitor 3 through the stand part 21 (the upper and lower casings 23 and 25) and the first rotation member 31 (see column 3, lines 34-37; column 4, lines 17-20; claim 10, the sixth and seventh paragraphs). In addition, it is also noted that Helgeland also fails to show or suggest such a battery disposed in the display unit and also fails to show or suggest the modes described above.

In addition, Applicant again notes the Examiner’s allegation on page 4, lines 6-8, of the Office Action that the device of Jeong “could be placed on the edge of a table/desk or the stand

portion could be supported in a slot portion of a desk.” Applicant believes this allegation is mere speculation inasmuch as there is no disclosure in Jeong that the device might be so disassembled and placed in the various modes alleged. However, in order to avoid such speculation, Applicant has amended these claims to require i) a stand/pillar structure having an insert space and a stand base portion formed so as to be placed in contact with a flat plane, and ii) support of the thin type display unit on a bottom surface of the thin type display unit and a distal end of the fitting part on the flat plane in a second usage mode. Jeong fails to show or suggest such features.

The Examiner has also stated that Jeong includes a stand/pillar structure 25 that has an insert space having a fitting part 23. Applicant respectfully submits that there is no disclosure that the fitting part 23 is removable from base part 13, and to the contrary it would appear that the presence of cables 5 that run through the stand part would clearly prevent the separation of the display unit from the base part 11. Nothing in Jeong indicates that the display is removable and to conclude otherwise is mere speculation, as noted above. The disclosure of the reference is predicated on keeping the cables protected within the stand. And the construction of the device, including the cables 5, clearly indicates that the display is not removable. Just because the casing 23 and 25 is adjustable vertically does not mean that it is separable. Therefore, the display part of Jeong cannot be separated from the base part so as to function in two usage modes, the first in which the display is supported by the first usage mode, and the second where the display unit is removable by pulling out the fitting part to separate the display unit from the stand/pillar structure for support on the display unit and the fitting part in a second usage mode. Because this feature is not inherent, anticipation has not been established.

Note that the terms first and second usage modes find support on pages 11-13, among other places, in the original specification. Therefore, the display of Jeong is not removable from the stand, but even if it could be removed, which Applicant does not admit, there is no disclosure of a second usage mode where the display may be supported on the display unit and the fitting part, as shown for example in Figure 22.

And finally, there is no disclosure in Jeong that rotation of the fitting part adjusts the angle of inclination of the display unit in both the first and second usage modes. Because each and every element of the claim has not been met, *prima facie* anticipation has not been established. Applicant respectfully submits that the combination of elements as set forth in independent claims 38 and 91 is not disclosed or made obvious by the prior art of record,

including Jeong, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 43, 45, 47, 92-95 and 97, Applicant submits that dependent claims 43, 45, 47, 92-95 and 97 depend, either directly or indirectly, from independent claims 38 and 91 which are allowable for the reasons set forth above, and therefore claims 43, 45, 47, 92-95 and 97 are allowable based at least on their dependence from claims 38 and 91, respectively. Reconsideration and allowance thereof are respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 39-41, 50, 51, 53, 54, 56, 58, 59, 61-64, 66, 90 and 96-98 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Jeong in view of Helgeland. Applicant submits the Examiner has failed to establish a *prima facie* case of obviousness and respectfully traverses the rejection. A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the cited references must teach or suggest each and every element in the claims. In addition to the above cites, see MPEP § 706.02(j) and MPEP §§ 2141-2144.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicant respectfully submits that independent claims 39-41 and 50 have been amended to recite a combination of elements in a thin design display apparatus including a stand base portion formed so as to be placed in contact with a flat plane, a thin type display unit including a battery; and wherein the thin type display unit is supported by the stand/pillar structure, by inserting a fitting part or stand-cum-joint into the insert space, and is removable or disconnected to separate the display unit from the stand/pillar structure for support of the thin type display unit on a bottom surface of the thin type display unit and a distal end of the fitting part or stand-cum-joint on the flat plane.

Applicant respectfully submits that this combination of elements as set forth in independent claims 39-41 and 50 is not disclosed or made obvious by the prior art of record, including Jeong and Helgeland. Applicant respectfully submits that, as discussed above, the stand/pillar 25 and fitting part 23 of Jeong identified by the rejection are constructed so that the fitting part of the display unit cannot be pulled out and removed from the stand/pillar structure

and the fitting part support the display unit on the display unit and the fitting part in a second usage mode.

Helgeland was cited to show what is alleged to be an anti removal device 16 and 17. With all due respect, gears 16 and 17 are provided in Helgeland merely to provide a height adjustment, not to permit or prevent removal, as claimed, either explicitly or inherently. There is nothing in the references that establishes either function by this pair of gears 16 and 17. Helgeland, like Jeong, fails to show or suggest first and second usage modes.

Helgeland, like Jeong, also fails to show or suggest a stand base portion formed so as to be placed in contact with a flat plane, a thin type display unit including a battery; and wherein the thin type display unit is supported by the stand/pillar structure, by inserting a fitting part or stand-cum-joint into the insert space, and is removable or disconnected to separate the display unit from the stand/pillar structure for support of the thin type display unit on a bottom surface of the thin type display unit and a distal end of the fitting part or stand-cum-joint on the flat plane, and therefore Helgeland cannot remedy the defects of Jeong discussed above.

Applicant respectfully submits that the combination of elements as set forth in independent claims 39-41 and 50 is not disclosed or made obvious by the prior art of record, including Jeong and Helgeland, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 51, 53, 54, 56, 58, 59, 61-64, 66 and 96-98, Applicant submits that dependent claims 51, 53, 54, 56, 58, 59, 61-64, 66 and 96-98 depend, either directly or indirectly, from independent claims 50 and 91 which are allowable for the reasons set forth above, and therefore claims 51, 53, 54, 56, 58, 59, 61-64, 66 and 96-98 are allowable based at least on their dependence from claims 50 and 91. Reconsideration and allowance thereof are respectfully requested.

Similarly, with respect to claim 90, Helgeland fails to show or suggest that the vertical upward direction force and the vertical downward direction force, that is, the directions of these forces are opposed to each other, and are applied to the grip handle and the anti removal device, respectively, at the same time, and therefore, Helgeland cannot remedy the defects of Jeong as discussed above.

Regarding method claim 90, the Examiner states on page 6, lines 10-14, of the Office Action that "the method of removing the display (for disassembly to store or package) from the

stand would be accomplished by lifting the display out of the fitting part (any portion of the display used to grip would function as a handle) after applying a force on the anti removal device (via 5).” (emphasis added)

On the other hand, claim 90 recites, *inter alia*, as follows:

“pulling up the grip handle so as to cause a force to act in the direction in which the fitting part is separated from the stand/pillar structure, and supplying a force on the anti removal device, at the same time, in the same direction as the fitting part is inserted into the stand/pillar structure, so as to detach the fitting part of the display unit from the stand/pillar structure.” (emphasis added)

Even if for purposes of argument it is assumed that the disassembly alleged in Jeong is possible, which we do not admit, the requirement for “applying a force on the anti removal device, at the same time” is a completely different step from “after applying a force on the anti removal device” of Jeong, as alleged by the Examiner.

In order to clarify the differences, claim 90 has been amended to require “pulling up the grip handle so as to cause a force to act in the vertical upward direction in which the fitting part is separated from the stand/pillar structure, and applying a force to the vertical downward direction on the anti removal device, at the same time, in the same direction as the fitting part is inserted into the stand/pillar structure, so as to detach the fitting part of the display unit from the stand/pillar structure.”

Applicant respectfully submits Jeong fails to show or suggest that the vertical upward direction force and the vertical downward direction force, that is, the directions of these forces are opposed to each other, and are applied to the grip handle and the anti removal device, respectively, at the same time. Likewise, Applicant respectfully submits Helgeland also fails to show or suggest that the vertical upward direction force and the vertical downward direction force, that is, the directions of these forces are opposed to each other, and are applied to the grip handle and the anti removal device, respectively, at the same time. Applicant respectfully submits that the combination of elements as set forth in independent claim 90 is not disclosed or made obvious by the prior art of record, including Jeong and Helgeland, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Claims 44 and 48 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Jeong in view of official notice. This rejection is also respectfully traversed. The rejection takes official notice of speakers and a cushioning member being common in the art of display units. Whether speakers and cushioning members are common, or not, or known at all, fails to address the fact that neither speakers nor cushioning members remedy the defects of Jeong discussed in detail above, comments of which are incorporated herein. The combination of speakers and/or a cushioning member fails to show or suggest a thin type display unit including a stand/pillar structure having an insert space and a stand base portion formed so as to be placed in contact with a flat plane, a thin type display unit including a battery; and a fitting part on the thin type display unit; wherein the fitting part is connected to the display unit by a rotatable rotation part, and wherein the thin type display unit is supported by the stand/pillar structure in a first usage mode, by inserting the fitting part into the insert space, and is removable by pulling out the fitting part to separate the display unit from the stand/pillar structure for support of the thin type display unit on a bottom surface of the thin type display unit and a distal end of the fitting part on the flat plane in a second usage mode; and wherein rotation of the fitting part adjusts an angle of elevation of the thin type display unit in the first usage mode and the second usage mode, as recited in claim 38. Neither Jeong alone, or in combination with official notice, shows or suggests each and every feature of the claimed invention, nor therefore has prima facie unpatentability not been established. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 60 and 67 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Jeong in view of Helgeland and official notice. This rejection is also respectfully traversed. This rejection also takes official notice of speakers and a cushioning member being common in the art of display units. Whether speakers and cushioning members are common, or not, or known at all, fails to address the fact that neither speakers nor cushioning members remedy the defects of Jeong and Helgeland discussed in detail above, comments of which are incorporated herein. The combination of speakers and/or a cushioning member fails to show or suggest a thin type display unit having a battery and a stand-cum-joint; and a stand/pillar structure having an insert space and a stand base portion formed so as to be placed in contact with a flat plane and, wherein the thin type display unit is supported by the stand/pillar structure, by inserting the stand-cum-joint into the insert space, wherein the display apparatus has a first configuration in which the display

unit is supported by the stand/pillar structure, wherein the display apparatus has a second configuration in which the stand-cum-joint of the display unit is disconnected from the stand/pillar structure to provide a stand for supporting the display unit on a bottom surface of the stand/pillar structure and a distal end of the stand-cum-joint on the flat plane, and wherein the length of the stand-cum-joint is such as to stably support the thin type display unit in the second configuration, as recited in claim 50. Neither Jeong alone, or in combination with Helgeland and official notice, shows or suggests each and every feature of the claimed invention, and therefore, *prima facie* unpatentability has not been established. Reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

All objections and rejections raised in the Office Action having been properly traversed and addressed, it is respectfully submitted that the present application is in condition for allowance. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Notice of same is earnestly solicited.

Prompt and favorable consideration of this Amendment is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Paul T. Sewell, Registration No. 61,784, at (703) 205-8000, in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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